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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|---|---|---|---|---|
| 09/693,840 | 10/23/2000 | David Arsenault | 06975-063001 | 8612 |

26171 7590 01/25/2008

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| EXAMINER | |
|---|---|
| BOUTAH, ALINA A | |
| ART UNIT | PAPER NUMBER |
| 2143 | |
| MAIL DATE | DELIVERY MODE |
| 01/25/2008 | PAPER |

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BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

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*Ex parte* DAVID ARSENAULT

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Appeal 2007-3772[1]
Application 09/693,840
Technology Center 2100

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Decided: January 25, 2008

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Before HOWARD B. BLANKENSHIP, ALLEN R. MACDONALD, and JEAN R. HOMERE, *Administrative Patent Judges*.

MACDONALD, *Administrative Patent Judge*.

DECISION ON APPEAL

STATEMENT OF CASE

Appellant appeals under 35 U.S.C. § 134 from a final rejection of claims 34-60. We have jurisdiction under 35 U.S.C. § 6(b). The Appellant

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[1] Heard January 17, 2008.

has withdrawn the appeal of claims 7-11, 18-22, 29-33, and 61-72 (Reply Br. 1).[2]

Representative independent claim 34 under appeal reads as follows:

34. A method of processing a browser request from a browser executing on a computer, wherein the browser request specifies a destination network resource residing on a destination server, the method comprising:

intercepting the browser request that specifies a destination network resource residing on a destination server;

determining whether the destination network resource specified by the browser request matches at least one selected destination network resource;

directing the browser request to a server other than the destination server when the destination network resource specified by the browser request matches at least one selected destination network resource; and

processing the browser request at the other server, wherein processing the browser request comprises;

retrieving the destination network resource specified by the browser request;

splitting a display of the browser at the computer into at least two sections;

displaying the destination network resource specified by the browser request in a first of the two sections; and

displaying a toolbar in a second of the two sections.

The prior art relied upon by the Examiner in rejecting the claims on appeal is:

[2] The Examiner must now process these claims in accordance with MPEP 1214.05.

| | | |
|---|---|---|
| Kraemer | US 6,490,602 | Dec. 3, 2002 |
| Yedidia | US 6,564,243 | May. 13, 2003 |

The Examiner rejected claims 34-60 under 35 U.S.C. § 103(a) as being unpatentable over the combination of Kraemer and Yedidia.

The Examiner found that Yedidia teaches the claimed "directing the browser request to a server other than the destination server when . . ." (Final Rej. 9).

Appellant contends that the claimed subject matter would not have been obvious. More specifically, Appellant contends that "Yedidia does not direct the request to a server other than the destination server . . ." (App. Br. 6).

In response the Examiner additionally found that:

> Yedidia discloses that the original request is directed to a location in storage device (54) where the original content has been transferred while the external content is sent to the client. This storage device is at a different location than the original destination server. See Yedidia Col. 7 lines 48-54.

(Ans. 16).

We reverse.

## ISSUE

Has Appellant shown that the Examiner has failed to establish Yedidia describes "directing the browser request to a server other than the destination server" as required by claims 34-60?

## FINDINGS OF FACT

The following Findings of Fact (FF) are shown by a preponderance of the evidence.

*Appellants' Invention*

Claims 34-60 require directing a browser request to a server (a jump server) other than the destination server.

The "jump server" is a computer (Spec. 6, l. 21; Fig. 1A, element 150).

*Yedidia*

Yedidia describes redirecting a request to a storage device (Col. 7, ll. 48-54; element 54 shown in Fig. 3).

PRINCIPLES OF LAW

Appellant has the burden on appeal to the Board to demonstrate error in the Examiner's position. *See In re Kahn*, 441 F.3d 977, 985-86 (Fed. Cir. 2006) ("On appeal to the Board, an applicant can overcome a rejection [under § 103] by showing insufficient evidence of prima facie obviousness or by rebutting the prima facie case with evidence of secondary indicia of nonobviousness.") (quoting *In re Rouffet*, 149 F.3d 1350, 1355 (Fed. Cir. 1998)).

§ 103 ANALYSIS

Appellant correctly points out the Examiner premised the rejection on incorporation of Yedidia's "other server" into Kraemer's browser system. Further, Appellant correctly points out the Yedidia does not in fact teach the "other server" required by claims 34-60. Rather, we find that Yedidia merely teaches a storage device 54 at the point the Examiner finds that

Yedidia teaches a server. Accordingly, we determine that the Examiner has not shown all claimed elements were known in the prior art. Further, we find that the Examiner has not attempted to show that it would have been obvious to substitute a server for the storage device 54 of Yedidia.

On the record before us, it follows that the Examiner erred in rejecting claims 34-60 under § 103(a).

## CONCLUSION OF LAW

(1) Appellant has established that the Examiner erred in rejecting claims 34-60 as being unpatentable under 35 U.S.C. § 103(a).

(2) On this record, claims 34-60 have not been shown to be unpatentable.

## DECISION

The Examiner's rejection of claims 34-60 is Reversed.

REVERSED

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